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OFFICE OF PETITIONS

ON PETITION

In re Application of
Ernest G. Hope
Application No. 09/722,096
Filed: November 22, 2000
Attorney Docket No. HOPEP002

This is a decision on the petition, filed October 1, 2007, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

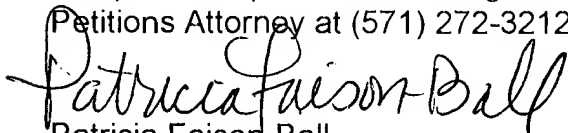
A non-Final Office Action was mailed February 8, 2007 which set a three month period for response. No response thought to have been filed, this application became abandoned May 9, 2007. Accordingly, a Notice of Abandonment was mailed August 23, 2007. Petitioner argues however that a response was filed on August 8, 2007, with a three month extension of time and provides copies of the response filed with a copy of a post card receipt post marked on August 13, 2007 by the USPTO.

A search of the application file and the USPTO records reveals that in fact, an amendment was filed with a three month extension of time and thus was timely filed on August 8, 2007 (certificate of mail date). The receipt date for the amendment and three month extension of time is August 13, 2007 and a copy of the post-card receipt, date stamped by the USPTO on August 13, 2007 is of record with the instant petition.

Accordingly, the response was timely and the Notice of Abandonment mailed August 23, 2007 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 1643 for treatment of the amendment filed August 13, 2007 as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
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